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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 57 Session of  
2017

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INTRODUCED BY PETRI, D. COSTA, DOWLING, PHILLIPS-HILL, MILLARD,  
MURT, STAATS, WATSON AND DeLUCA, JANUARY 25, 2017

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 25, 2017

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in adoption, further providing for  
3 definitions, for hearing and for petition for involuntary  
4 termination, providing for notice if identity or whereabouts  
5 of parent or putative father unknown, further providing for  
6 consents necessary to adoption and repealing provisions  
7 relating to consents not naming adopting parents.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 2102 of Title 23 of the Pennsylvania  
11 Consolidated Statutes is amended by adding definitions to read:  
12 § 2102. Definitions.

13 The following words and phrases when used in this part shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 \* \* \*

17 "Denial of paternity." The written statement of a  
18 presumptive father or putative father declaring all of the  
19 following:

20 (1) The individual is not the father of the child.

1           (2) The individual does not acknowledge paternity of the  
2 child.

3           (3) No court has determined that the individual is the  
4 father of the child.

5           (4) The individual has no interests in proceedings under  
6 this part concerning the child.

7           "Household." A group of people who reside together in the  
8 same housing unit.

9           \* \* \*

10          "Putative father." An alleged birth father of a child  
11 conceived or born out of wedlock whose parental status has not  
12 been legally established.

13          Section 2. Sections 2503(a), (b) (3) and (d) and 2512(c) of  
14 Title 23 are amended to read:

15 § 2503. Hearing.

16          (a) General rule.--Upon presentation of a petition prepared  
17 pursuant to section 2501 (relating to relinquishment to agency)  
18 or section 2502 (relating to relinquishment to adult intending  
19 to adopt child), the court shall fix a time for hearing which  
20 shall not be less than ten days, nor more than 20 days, after  
21 filing of the petition[.] unless the petitioner requests a later  
22 date, in which case the hearing shall be scheduled not later  
23 than 30 days after filing of the petition. The petitioner must  
24 appear at the hearing.

25          (b) Notice.--

26           \* \* \*

27          (3) The [copy of the notice which is given to the]  
28 putative father shall [state that his rights may also be  
29 subject to termination pursuant to subsection (d) if he fails  
30 to file either an acknowledgment of paternity or claim of

1 paternity pursuant to section 5103 (relating to  
2 acknowledgment and claim of paternity) and fails to either  
3 appear at the hearing for the purpose of objecting to the  
4 termination of his rights or file a written objection to such  
5 termination with the court prior to the hearing.] be given  
6 notice in the form provided in section 2513(b) (relating to  
7 hearing). If the identity or whereabouts of the putative  
8 father is unknown, notice shall be given under section  
9 2514(b) (relating to notice if identity or whereabouts of  
10 parent or putative father unknown). Notice under this  
11 paragraph shall state that the putative father's rights may  
12 also be terminated under subsection (d) if any of the  
13 following apply:

14 (i) He fails to file with the court prior to the  
15 hearing a written objection to the termination.

16 (ii) He fails to appear at the hearing for the  
17 purpose of objecting to the termination of his rights.

18 \* \* \*

19 (d) [Putative father] Termination of putative father's  
20 parental rights.--If a putative father [will not file a petition  
21 to voluntarily relinquish his parental rights pursuant to  
22 section 2501 (relating to relinquishment to agency) or 2502  
23 (relating to relinquishment to adult intending to adopt child),]  
24 has been given notice of the hearing being held pursuant to this  
25 section [and], the court may enter a decree terminating his  
26 parental rights, whether or not the putative father has filed a  
27 claim of paternity under section 5103(b) (relating to  
28 acknowledgment and claim of paternity), if the putative father  
29 fails to [either]:

30 (1) file a written objection to the termination with the

1 court prior to the hearing; or

2 (2) appear at that hearing for the purpose of objecting  
3 to termination of his parental rights [or file a written  
4 objection to such termination with the court prior to the  
5 hearing and has not filed an acknowledgment of paternity or  
6 claim of paternity pursuant to section 5103, the court may  
7 enter a decree terminating the parental rights of the  
8 putative father pursuant to subsection (c)].

9 \* \* \*

10 § 2512. Petition for involuntary termination.

11 \* \* \*

12 [(c) Father not identified.--If the petition does not  
13 identify the father of the child, it shall state whether a claim  
14 of paternity has been filed under section 8303 (relating to  
15 claim of paternity).]

16 Section 3. Title 23 is amended by adding a section to read:

17 § 2514. Notice if identity or whereabouts of parent or putative  
18 father unknown.

19 (a) Diligent search.--A petitioner under sections 2501  
20 (relating to relinquishment to agency), 2502 (relating to  
21 relinquishment to adult intending to adopt child), 2504  
22 (relating to alternative procedure for relinquishment) and 2512  
23 (relating to petition for involuntary termination) must  
24 establish that a diligent search has been made to identify or  
25 locate a parent or putative father for the purpose of providing  
26 notice in a proceeding under this part.

27 (b) Notice by publication.--

28 (1) If the petitioner can establish that an unsuccessful  
29 diligent search has been made to identify or locate a parent  
30 or putative father, notice of the proceeding may be given to

1 the parent or putative father by publication one time in both  
2 a newspaper of general circulation and in the county legal  
3 journal at least 10 days before the date of the hearing.

4 (2) Proof of publication of the notice provided under  
5 this subsection must be submitted to the court.

6 (c) Waiver of diligent search and publication of notice.--

7 (1) If the putative father knows or has reason to know  
8 of the child's birth, and the putative father has failed to  
9 make reasonable efforts to maintain substantial and  
10 continuing contact with the child and provide substantial  
11 financial support for the child, the court may waive the  
12 requirement for a diligent search and the publication of  
13 notice.

14 (2) Notice to a putative father shall be considered  
15 given under this section if the court waives the requirement  
16 for a diligent search and the publication of notice and makes  
17 a specific determination that additional efforts to locate or  
18 identify the putative father and provide notice do not serve  
19 the best interests of the child.

20 (d) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection unless the context clearly indicates otherwise:

23 "Diligent search." A search made to identify and locate a  
24 parent or putative father for the purpose of providing notice in  
25 an adoption proceeding. A diligent search shall include, but not  
26 be limited to, all of the following:

27 (1) An inquiry to the United States Postal Service to  
28 determine the last known address of the individual.

29 (2) An inquiry to or search of the records of the  
30 Department of Human Services, or its equivalent in the state

1 in which the individual may reside, including public  
2 assistance or benefits, child support payments and any other  
3 records maintained by the department that may contain a last  
4 known address for the subject of the inquiry.

5 (3) An inquiry to or search of the records of the  
6 Department of Transportation, or its equivalent in the state  
7 in which the individual may reside, relating to personal  
8 identification, driver's licensing, vehicle registration,  
9 traffic violations and other driving or vehicle related  
10 records that may contain a last known address for the subject  
11 of the inquiry.

12 (4) An inquiry to or search of the records of the  
13 Department of Corrections, the Department of State and the  
14 Department of Revenue or their equivalents in the state in  
15 which the individual may reside, that may contain a last  
16 known address for the subject of the inquiry.

17 (5) A search of marriage and divorce records, wills and  
18 estates, deeds and land records and any other public records  
19 filed with the jurisdiction in which the individual may  
20 reside.

21 (6) Inquiries to local law enforcement agencies and  
22 databases in the jurisdiction in which the individual may  
23 reside.

24 (7) An inquiry to the Pennsylvania State Police or other  
25 statewide law enforcement entities in the state where the  
26 person may reside.

27 (8) An inquiry to or search of the records of the armed  
28 forces of the United States as to whether there is any  
29 information as to the person.

30 (9) An Internet search, including online search engines,

1 social media, genealogy websites and any other online source  
2 that may provide the current residence or whereabouts of the  
3 subject of the inquiry.

4 (10) An inquiry to the United States Department of  
5 Homeland Security.

6 (11) An inquiry to the United States Department of  
7 State.

8 (12) Any other source the court determines to be  
9 necessary to identify and locate a parent or putative father  
10 for the purpose of providing notice in an adoption  
11 proceeding.

12 Section 4. Section 2711(c) of Title 23 is amended and the  
13 section is amended by adding subsections to read:

14 § 2711. Consents necessary to adoption.

15 \* \* \*

16 (c) Validity of consent.--

17 (1) No consent shall be valid if it was executed prior  
18 to or within 72 hours after the birth of the child[. A],  
19 except that the presumptive father or putative father may  
20 execute a consent or a denial of paternity at any time after  
21 receiving notice of the expected or actual birth of the  
22 child.

23 (2) If consent is executed by the putative father prior  
24 to the birth of the child, the child shall be named "Baby  
25 (Mother's Last Name)" for the purpose of the consent. Further  
26 notice as required by section 2721 (relating to notice of  
27 hearing) to the putative father is not necessary if consent  
28 is executed prior to the birth of the child. Further notice  
29 as required by section 2721 is not required to the birth  
30 mother or her husband if consent is valid.

1           (3) Any consent given outside this Commonwealth shall be  
2 valid for purposes of this section if it was given in  
3 accordance with the laws of the jurisdiction where it was  
4 executed.

5           (4) A consent to an adoption may only be revoked as set  
6 forth in this subsection. The revocation of a consent shall  
7 be in writing and shall be served upon the agency or adult to  
8 whom the child was relinquished. [The following apply:]

9           (c.1) Nature of consent.--

10           (1) Except as otherwise provided in paragraph (3):

11           (i) For a consent to an adoption executed by a birth  
12 father or a putative father, the consent is irrevocable  
13 more than 30 days after the birth of the child or the  
14 execution of the consent, whichever occurs later.

15           (ii) For a consent to an adoption executed by a  
16 birth mother, the consent is irrevocable more than 30  
17 days after the execution of the consent.

18           (2) An individual may not waive the revocation period  
19 under paragraph (1).

20           (3) Notwithstanding paragraph (1), the following apply:

21           (i) An individual who executed a consent to an  
22 adoption may challenge the validity of the consent only  
23 by filing a petition alleging fraud or duress within the  
24 earlier of the following time frames:

25           (A) Sixty days after the birth of the child or  
26 the execution of the consent, whichever occurs later.

27           (B) Thirty days after the entry of the adoption  
28 decree.

29           (ii) A consent to an adoption may be invalidated  
30 only if the alleged fraud or duress under subparagraph



1 (i) is proven by:

2 (A) a preponderance of the evidence in the case  
3 of consent by a person 21 years of age or younger; or

4 (B) clear and convincing evidence in all other  
5 cases.

6 \* \* \*

7 (e) Waiver of notice requirements.--

8 (1) A birth mother, father or putative father who has  
9 consented to an adoption may execute a waiver of notice of  
10 all legal proceedings concerning the child.

11 (2) A person who has executed a waiver of further notice  
12 under this subsection shall be provided with the advisement  
13 required by section 2504(d) (relating to alternative  
14 procedure for relinquishment) of the continuing right to file  
15 personal and medical history pursuant to Subchapter B of  
16 Chapter 29 (relating to records and access to information).

17 Section 5. Section 2712 of Title 23 is repealed:

18 [§ 2712. Consents not naming adopting parents.

19 A consent to a proposed adoption meeting all the requirements  
20 of this part but which does not name or otherwise identify the  
21 adopting parent or parents shall be valid if it contains a  
22 statement that it is voluntarily executed without disclosure of  
23 the name or other identification of the adopting parent or  
24 parents.]

25 Section 6. This act shall take effect in 60 days.